

# NATIONAL CANNERS ASSOCIATION

## Information Letter

FOR N. C. A. MEMBERS

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### Microscopic Examination of Tomato Pulp

Many manufacturers of tomato pulp find it advisable to employ a microscopist to exercise general supervision over the sorting of the raw material and to make microscopic examination of completed batches as often as may be found advisable.

A detailed description of the Government method for examining tomato pulp is included in Bulletin No. 21-L on Tomato Products, which was issued in 1923 and sent to all members of the Association. It must be remembered, however, that this method is of such a nature that even a good microscopist is likely to make serious errors in its use unless he has had personal training from one who is experienced in the use of the method. The necessity of this personal training is explained in detail in Bulletin 21-L, page 13.

Some manufacturers of tomato products have been misled by employing analysts who were not so trained. Many of our members have sent their analysts to the Association's Research Laboratory early in the summer to receive this training, which requires from three days to a week, according to the experience and aptitude of the individual analyst.

They should in all cases bring their microscopic equipment with them, in order that they may receive their training while using the particular instrument they will later employ, and also that the Research Laboratory may have an opportunity to look over the equipment and make sure that it is right.

Members desiring to secure this training for their analysts should communicate with the Laboratory in advance in order to fix a mutually satisfactory date for the work.

### State Franchise Taxes

An important decision affecting states taxes on non-resident corporations has been rendered by the U. S. Supreme Court in the case of the Alpha Cement Company, a Pennsylvania corporation, which maintained only sales offices in Massachusetts and assets of office equipment only in that state. In reversing a decision of the Massachusetts courts the U. S. Supreme Court held that the Massachusetts state franchise tax on corporations chartered in another state and doing an interstate business in Massachusetts may not be measured by the proportion of its capital stock which the net income that the company earns in Massachusetts bears to the total net income of the company.

### Teachers Praise Vitamin Bulletin

As announced last week, copies of the Association's bulletin on Vitamins in Canned Foods have been sent to the heads of the Department of Home Economics in the leading colleges and universities, and a number of requests have been received for additional copies for the use of instructors and for libraries. The distribution of this bulletin has also resulted in requests from different teachers that they be placed on the Association's mailing list to receive similar literature that would be useful to them in their instructions on foods.

One dean of home economics wrote: "The bulletin is very good; we consider it quite interesting and can use six additional copies in the large department of household arts in our college." Another director of home economics asked for copies to be placed in the hands of district home demonstration agents.

The home demonstration leader in a state agricultural college, in asking for additional copies for the home demonstration agents said: "I think the bulletin is splendid and I am sure that these people will find them very useful."

The head of the home economics department in a Missouri institution wrote: "It is just what I have been wanting to get hold of for a long time. I believe it is the very best of its kind published."

### Deductions for Depreciation in Tax Returns

In a recent decision the U. S. Board of Tax Appeals held that the amount of depreciation deductible from gross income in income tax returns must be computed on a straight-line basis rather than on the basis of appraisals of depreciable property at the beginning and close of the taxable period.

### Transfers of Trade-Marks and Good-Will

A recent decision of the U. S. Circuit Court for the Western District of Washington brings out some interesting features with respect to the transfer of trade-marks and good-will. The decision resulted from a suit for damages instituted by a firm that had bought the business of a woman manufacturing a salad dressing carrying her name. Some time later she again engaged in the same business under a new firm name, and this new firm carried on its trade-mark the phrase "Manufactured by the original Mrs. Porter."

The court dismissed the suit for damages, and in discussing the personal rights of an individual to the use of his own name stated:

"The sale of an established business, including good-will, does not of itself imply a contract on the part of a seller not to engage in the same business so as to compete with the buyer, nor that he will not endeavor to draw off any of the customers. \* \* \* When a person sells the good-will of a business \* \* \* the party may not go back and solicit the old customers in violation of that agreement, but there is nothing in evidence—not a hint—that Mrs. Porter solicited any of the old customers. She has a right to the use of her name. She cannot be deprived of it. It would be in restraint of trade, against public policy, to prohibit her from going into business and the use of her name. The courts would not even recognize a contract entered into by Mrs. Porter not to engage in a like business at any time, unless it were limited to a particular zone and limited in time, and it would have to be very limited."

"The purpose of a trade-mark," the court stated, "is that when it is exposed it will immediately designate a kind and quality of goods." Then, after pointing out that the two labels could not be confused, the court said, "They are entirely different, and the mere fact that one says, 'Manufactured by Mrs. Porter' is not an infringement of this other trade-mark under any authority that I know of."

The defendant company had made a cross complaint enjoining the use of the name 'Mrs. Porter,' and this was dismissed, the court stating, "The plaintiff has a right to the use of the Mrs. Porter's trade-mark which he acquired, but that does not give him the right to deprive Mrs. Porter of the use of her name, if she does not infringe his rights as stated."

### Sound Advice on Canning

In anticipation of the canning season, the Ladies' Home Journal for May provides an interesting article by Mabel Jewett Crosby on the preservation of foods for winter use. The article discusses storing, drying and canning, and in relation to canning brings out some points in which commercial canners will be particularly interested because they are the very things that canners are in position to emphasize.

In beginning her discussion of canning the writer states:

"It cannot be stressed too strongly that every housewife should consider well before undertaking an extensive canning program. It surely is not wise to spend one's time collecting rows upon rows of canned things unless some real advantage can be found for so doing. In order that canning be practical each individual housewife would be wise to determine for herself whether by canning she is saving money by the utilization of products which would otherwise go to waste; whether she is furnishing for her family a variety in foods for winter use which would not be possible otherwise; or whether the flavor produced is sufficiently superior from her point of view to warrant the undertaking."

An outstanding feature of commercial canning is the short time within which products are packed after being gathered. The writer in the Journal says on this point:

"One of the most important factors in the canning of vegetable products is the freshness of the product itself. If the vegetables are not fresh do not attempt to can them by any method whatsoever. 'Two hours from garden to can' is the ideal condition, and do not let this time be increased to more than five hours if you want the best results. I have proved to my own satisfaction and that of my own family that freshness affects the standard of the canned product, for when the two-hour plan is closely adhered to, the resulting product tastes exactly as though it had been cooked freshly from the garden regardless of the fact that it may have been a matter of two or three years before this proving test was made. That's when canning might well be considered worth the time and trouble from the standpoint of flavor if there were no other reason to commend it."

The whole question is neatly summarized by the writer in this manner:

"So it simmers down to this: Unless you have a garden of your own or can get a supply of fresh vegetables from a neighboring garden, it is probably not wise for you to undertake the canning of vegetables; better depend on procuring a supply of the always available commercial product which has been prepared with scientific care under right conditions."

#### Michigan's Action Suggests Way to Better Raw Products

Practically every state has laws prohibiting the sale or offering for sale, of any food products that are adulterated, decomposed, mouldy, tainted or otherwise unwholesome, and these laws are applicable to fruits and vegetables as well as to canned foods. For this reason the action of the Michigan Department of Agriculture, recently noted in the Information Letter, by which the Department brought the requirements of its food laws directly to the attention of growers of canners' crops, should be of interest to canners in other states, who may be able to arrange similar cooperation with their state food authorities. To ensure high quality products requires the use of raw materials of proper character, and in the interest of a satisfactory finished product from the canneries, food authorities will doubtless be ready to assist canners in getting delivery of only sound, ripe fruits and vegetables to the canning plants.

#### Canned Foods Week in England

The London Grocer in a recent issue states that the first trade organization to announce its decision to put the Canned Foods Week idea into practice in England is the Grocery Section of the Bromley Chamber of Commerce, which has arranged to hold a Canned Foods Week to commence on July 13. The Grocer, in making this announcement, says:

"Possibly other associations have reached a similar decision; but, if so, little has been heard of it, and we call attention to the Bromley grocers' action in the hope that it will be followed in many other districts with results which, we believe, would be beneficial to the trade and the public alike."

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Consumption of milk and cream has been steadily increasing in the United States for a number of years, according to the Department of Agriculture, which estimates the consumption at 52,772,000,000 pounds in 1924. The average per capita consumption last year was 54.79 gallons.

### Staining of Labels

At various times within the last two or three years complaints have been received by the Research Laboratory with respect to the staining of labels, and in most of these cases the canners have felt that the labeling gum was at fault. In one instance, the Laboratory made a rather extensive examination of the gums used, but this developed no defect in the gum that would have been likely to cause the trouble.

Generally, the labels that stained were on shipments made by water, and it appears that the trouble is due primarily to storage conditions or shipping methods that lead to sweating.

The Research Laboratory will appreciate information from member canners respecting difficulties they may have had with the discoloration of labels and would like particularly to have data on the nature of the discoloration, storage conditions, and shipping methods where such discoloration occurred.

### Conference on Seed Standardization

The Division of Simplified Practice of the U. S. Department of Commerce has called a conference for Thursday, May 28, to consider the possible simplification and standardization of seed nomenclature, qualities, etc. The purpose of the program, as stated in the invitations issued by the Division, is to give the seed buyer broader protection in his purchases, insure greater uniformity of quality in crops and thus to enable the grower to secure the best prices for his produce, and further to eliminate the wastes caused by the production of low, or "off," grade vegetables.

The conference will include representatives from the canning industry and the National Canners Association, the American Farm Bureau Federation, various seed trade associations, the Bureau of Plant Industry of the Department of Agriculture, and various division of the Department of Commerce.

### Intended Acreage for Tomatoes

The Bureau of Agricultural Economics of the U. S. Department of Agriculture has issued statistics on the intended acreage of tomatoes for manufacture in 1925 as reported by 454 firms. These figures indicate an acreage of 381,740, which is an increase of 24 per cent over 1924. The total acreage as reported by the Department of Agriculture during the last four years has been as follows: 1921, 87,730 acres; 1922, 228,720 acres; 1923, 290,540 acres; 1923, 307,030 acres.



### **Chile Fosters Its Canned Milk Industry**

Chile has passed a decree fixing the price at which condensed milk shall be sold in various provinces and authorizing the Executive to reduce the import duty and freight rates on foreign raw materials for manufacturing condensed milk.

### **Revenue Freight Loadings Increase**

Loading of revenue freight for the week of April 25 totaled 959,225 cars, an increase of 36,447 cars over the week before, according to reports to the American Railway Association. This gain, compared with the preceding week, was due principally to increases in the number of cars loaded with ore, coal, grain and grain products and live stock, although all commodities reported increases over the week before with the exception of coke and merchandise and less-than-carload lot freight. Compared with the corresponding week last year, the total for the week of April 25 was an increase of 80,838 cars but a decrease of 3,353 cars under the corresponding week in 1923.

### **Proposed Freight Rate Increase is Suspended**

The Interstate Commerce Commission has suspended until August 30th the operation of schedules filed with the Commission proposing increases in the rates on canned goods from Colorado, New Mexico, Texas and Wyoming to Arizona, California, New Mexico, Nevada and Utah. A hearing on this case will be held at Phoenix, Arizona, May 25, before Examiner Harraman.

Import houses in Penang, Straits Settlements, are placing comparatively heavy orders for American canned foods, according to the American consul, and this business bids fair to continue throughout the year.

The Federal Trade Commission, in an order to a publishing firm, has prohibited the use of the word "leather" to describe the binding of books that are bound in material other than leather.

"It is a commonplace in public health work that cooked food and canned food are much less likely to introduce disease germs into the human system than raw food."—Dr. E. O. Jordan.

The export prohibition on herrings and sardines from France established by decree of December 16, 1924, has been removed, according to the Department of Commerce.